REMARKS

In view of the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 1-7, 10-19 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eichen et al (WO 99/57550) in view of Butland et al (USPN 6,030,657).

The applicants respectfully disagree. The prior art does not provide or make obvious a method for rapidly screening for specific DNA taggants in complex mixtures. The current invention provides users with both a method which overcomes the inability to test for taggants quickly and easily away from a laboratory, while maintaining the ability to resolve sequence specific differences.

As disclosed in the current application, "The advantages of the current method provided by the present invention over those methods currently available are 1) individual users can determine their own tagging code, providing flexibility and security: 2) detection analysis is rapid; and 3) detection can be performed on-site by a non-technical operator. Sample do not need to be sent to a laboratory for analysis by trained personnel." (Paragraph 0012).

Although Butland and the references contained therein disclose the use of DNA taggants, they do not disclose an electronic DNA reader which can be used to rapidly and correctly identify specific DNA sequences. Butland discloses a number of techniques for identifying biological taggants, but they are labor intensive and require significant laboratory equipment. Therefore, testing for DNA taggants can not be done quickly, at a reasonable cost or at the location of the item. The electronic reader in the current invention provides a method for the rapid and effective analysis of DNA taggants.

Eichen discloses a method for electronic detection of DNA,. However, Eichen does not disclose that the electronic detection process can be readily miniaturized are taken out of a laboratory setting. In a laboratory, the approach disclosed by Eichen would provide little added benefit to users of DNA taggants. Since Eichen does not disclose the use of the technology outside of the laboratory, it would not have been obvious to one skilled in the art to combine the inventions to yield the current invention.

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Eichen et al (WO 99/57550) in view of Butland et al (USPN 6,030,657) as applied to claim 7 above and further in view of Stone (USPN 5,512,436) and McMahon et al (USPN 5,310,650).

This rejection is respectfully traversed by the arguments made above regarding Eichen in light of Butland.

Claims 24-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eichen et al (WO 99/57550) in view of Butland et al (USPN 6,030,657) as applied to claim 17 above and further in view of Benardelli (USPN 5,020,831).

This rejection is respectfully traversed by the arguments made above regarding Eichen in light of Butland.

Claims 1-6, 11, 12, 15-21 and 28-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eichen et al (WO 99/57550) in view of Bancroft et al (USPN 6,312,911 B1).

The applicants respectfully disagree. The limitations of Eichen are discussed above. Bancroft discloses a method for concealing coded messages in DNA. The method comprises concealing a DNA encoded message within a genomic DNA sample followed by further concealment of the DNA sample to a microdot. Bancroft does not disclose an a method which can be used to rapidly and correctly identify specific DNA sequences used as taggants. Butland discloses a number of techniques for identifying biological taggants, such as annealing and extension, but they are labor intensive and require significant laboratory equipment. Therefore, testing for DNA taggants can not be done quickly, at a reasonable cost or at the location of the item. The electronic reader in the current invention provides a method for the rapid and effective analysis of DNA taggants. Bancroft does not disclose that the method described by Eichen can be used for rapid accurate detection of taggant DNA. Therefore, it would not have been obvious to one skilled in the art to combine the inventions disclosed by Eichen and Bancroft to yield the current invention.

Claims 22 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eichen et al (WO 99/57550) in view of Bancroft et al (USPN 6,312,911 B1) as applied to claim 21 above and further in view of Ryan (USPN 5,982,282).

This rejection is respectfully traversed by the arguments made above regarding Eichen in light of Bancroft.

Claims 1-4 and 9-12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4-7 of U.S. Patent No. 6,399,303 in view of Butland et al (USPN 6,030,657).

The rejection under the doctrine of non-statutory obviousness-type double patenting in view over claims 1 and 4-7 of U.S. Patent No. 6,399,303 in view of Butland is respectfully traversed in view of the attached terminal disclaimers.

Claims 1-4 and 9-12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4-7 of U.S. Patent No. 6,593,090 in view of Butland et al (USPN 6,030,657).

The rejection under the doctrine of non-statutory obviousness-type double patenting in view over claims 1 and 4-7 of U.S. Patent No. 6,399,303 in view of Butland is respectfully traversed in view of the attached terminal disclaimers.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: 3/27/07

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